

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants.

Civil Action No. 2:18-cv-00069

**REDACTED VERSION OF EXHIBIT 1 TO DEFENDANTS' MOTION TO EXCLUDE
PLAINTIFFS' SUPPLEMENTAL EXPERT REPORTS AND OPINIONS (ECF No. 161-1)**

IN THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT
OF VIRGINIA NORFOLK DIVISION

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

**DEFENDANTS' MOTION TO EXCLUDE PLAINTIFFS' SUPPLEMENTAL
EXPER REPORTS AND OPINIONS**

PLAINTIFFS' EXHIBIT 1

Supplemental Expert Report of
Anthony E. Fairfax

Supplemental Expert Report
of
Anthony E. Fairfax

Anthony E. Fairfax
16 Castle Haven Road
Hampton, VA 23666
March 16, 2020

I. Introduction

I have been retained by Plaintiffs' counsel in this lawsuit (*Holloway, et al., v. City of Virginia Beach, et al.*) to provide this report as a supplement to my earlier reports and my deposition testimony.

As a follow-up to my deposition testimony, this supplemental report clarifies that (1) none of the hypothetical redistricting plans in my previous report included Plaintiff Georgia Allen's address in a majority Hispanic, Black, and Asian ("HBA") Citizen Voting Age Population ("CVAP") district,¹ but (2) it is feasible to include both Plaintiffs in one or more majority-HBACVAP districts, as demonstrated by the modified Illustrative Plan and modified Alternative Plans provided here.

Additionally, this supplemental report updates my earlier reports by incorporating the latest American Community Survey (ACS) data (2014-2018), which the U.S. Census Bureau released on January 31, 2020. These new data estimates are included in the district statistics tables provided for the plans. I also report the 2013-2017 CVAP estimates in Appendix B.

II. Background

The City of Virginia Beach, VA currently has an eleven-member City Council structure. Three (3) Council members and the Mayor serve "at large" with no district residency requirement. The other seven (7) council members are required to live in the district that they represent. However, all city council members are elected at large and not within the district that they represent.

On July 15, 2019 I submitted an expert report for this case that presented my finding that the minority population in the city of Virginia Beach, Virginia was sufficiently large and geographically compact to constitute two majority Hispanic, Black, and Asian combined districts. On August 12, 2019, Dr. Peter A. Morrison submitted his evaluation of my initial expert report. On August 26, 2019, I submitted my rebuttal report to Dr. Morrison's expert report. On September 24, 2019, I was deposed by Defendants' counsel, who asked me several questions about the location of Plaintiffs in the Illustrative and Alternative Plans. In addition, Plaintiffs' counsel notified me that Plaintiff Latasha Holloway recently obtained a new address.

III. Software, Data, and Technical Process Utilized

My opinions are based upon the same software and technical processes that were utilized in my initial and rebuttal expert reports. Addresses of the Plaintiffs were acquired from counsel and geocoded via ArcGIS World Geocoding Services using ArcGIS ArcMap software.

¹ As in my two prior reports, in this supplemental report I include the HBACVAP percentages for both Hispanic, Black alone, and Asian alone individuals as well as Hispanic, Black and white (mixed race), and Asian alone individuals. The numbers referred to in the text and tables are the Hispanic, Black alone, and Asian alone percentages unless specifically noted otherwise.

IV. Summary of Opinions

A summary of my conclusions and opinions for this report include the following:

- a) Plaintiff Latasha Holloway's old and new addresses are both contained within a majority-HBACVAP district in the Illustrative Plan and all five Alternative Plans from my initial and rebuttal reports in this lawsuit. Unintentionally, Plaintiff Georgia Allen's address was not contained within a majority-HBACVAP district in any of the Plans.
- b) With minor modifications and insignificant district statistical alterations, the current addresses of both Plaintiff Georgia Allen and Plaintiff Latasha Holloway could, at least, be contained within majority-HBACVAP District 2 of the Illustrative Plan as well as District 2 in Alternative Plan 1 and Alternative Plan 2. I did not attempt to modify Alternative Plans 3, 4, or 5 for this supplemental report.

V. Methodology

A. Location of Plaintiffs Addresses with Respect to Illustrative and Alternative Plans

First, I generated maps including the Plaintiffs' addresses to determine whether each Plaintiff is contained within one of the majority-HBACVAP districts for each of the previously developed demonstrative plans. The following addresses of the Plaintiffs were analyzed:

Table 1 – Plaintiff Addresses Analyzed	
Name	Address
Georgia Allen	4649 Merrimac Lane, Virginia Beach, VA 23455
Latasha Holloway's old address	819 Tuition Court, Virginia Beach, VA 23462
Latasha Holloway's new address	[REDACTED]

Georgia Allen's address is depicted in the Plans by a pink star. [REDACTED]

(see Figure 1 and 2 below).²

² [REDACTED]



Figure 1 – Zoom of Latasha Holloway's Addresses

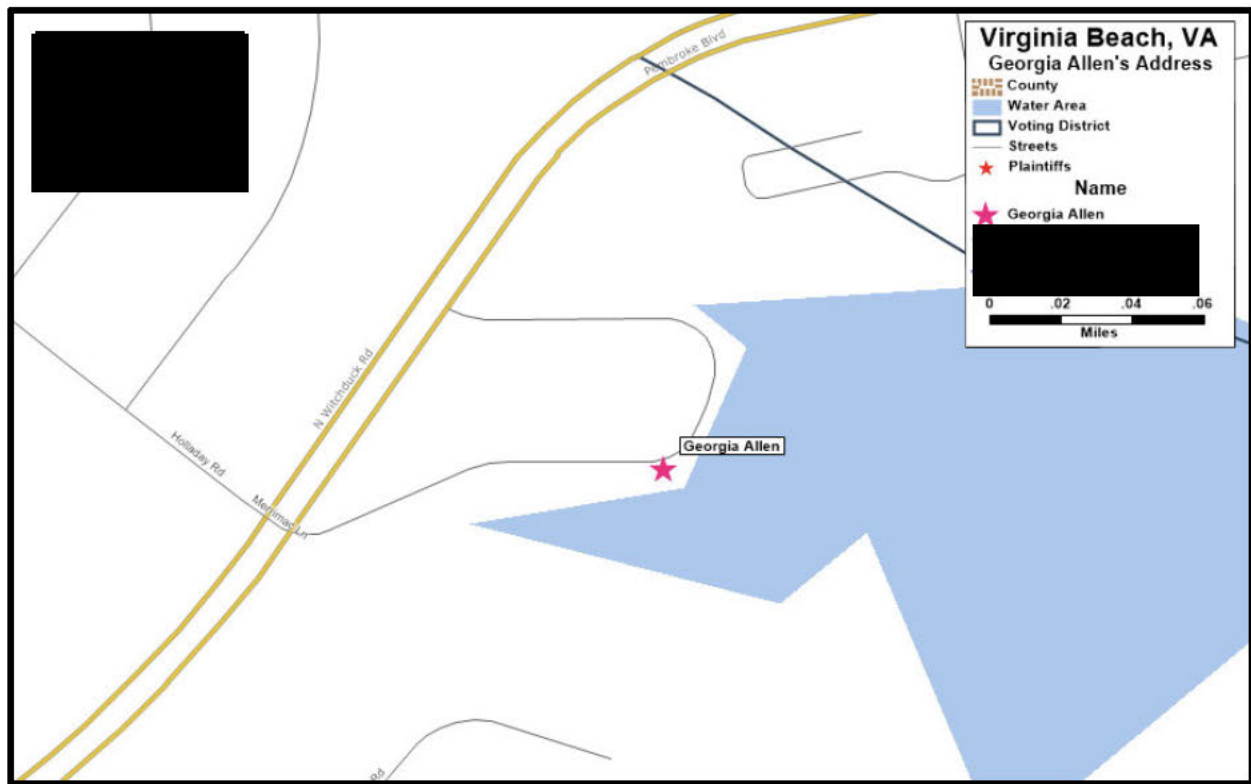


Figure 2 – Zoom of Georgia Allen’s Address

B. Review and Modify (Where Necessary) the Illustrative or Alternative Plans to Contain Both Plaintiffs in One of the Majority-HBACVAP Districts

After plotting the Plaintiffs’ addresses, I next reviewed the Illustrative Plan and all Alternative Plans to see if both Plaintiffs’ addresses were included in one of the majority-HBACVAP districts. Where necessary, I then modified the Illustrative Plan, Alternative Plan 1, and Alternative Plan 2 to contain both Plaintiffs’ addresses in either of the majority-HBACVAP districts and generated maps to confirm the results.

VI. Results

A. Location of Plaintiffs’ Addresses in the Illustrative Plan and Alternative Plans 1 - 5

Latasha Holloway’s old and new addresses have always been contained within a majority-HBACVAP district in the Illustrative Plan as well as all five Alternative Plans. Unintentionally, Georgia Allen’s address was not contained within a majority-HBACVAP district in any of the Plans. The maps in Appendix A depict each majority-HBACVAP district in the six plans, along with the location of the Plaintiffs’ addresses.

B. Review and Modify (Where Necessary) the Illustrative and Two Alternative Plans to Contain Both Plaintiffs in One of the Majority-HBACVAP Districts

Since Georgia Allen's address was the only residence that was not contained within a majority-HBACVAP district, the plan modifications focused on including her address. The Illustrative Plan, Alternative Plan 1, and Alternative Plan 2³ were easily modified to include Georgia Allen (see Appendixes A and B for maps and statistics).

Ms. Allen's address was in close proximity to majority-HBACVAP District 2 in many of the plans in my initial and rebuttal reports. Thus, the simplest modification centered on including her address within this district. It was not necessary to alter District 1, the other majority-HBACVAP district.

i. Demographic District Statistics

The modifications of District 2 to include Georgia Allen in the Illustrative Plan, Alternative Plan 1, and Alternative Plan 2 did not alter District 2's population deviation and HBACVAP percentages significantly from the previously developed Plans. In all three modified Plans, District 2 is closer to the ideal district size than it was before modification (i.e., District 2's percent deviation decreased slightly).

Reviewing the HBACVAP percentage, there is 0.79% or less difference for any of the three Plans (from original to modified). The HBACVAP percentage increased in District 2 of the Illustrative Plan after the modifications while the Alternative Plans decreased slightly. Table 2 displays the Citizen Voting Age Population results for each modified plan.

Table 2 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans - Maj Race/Ethnicity						
District	% Dev	% HCVAP 14-18 ACS	% WCVAP 14-18 ACS	% BCVAP 14-18 ACS	% ACVAP 14-18 ACS	% HBA CVAP 14-18 ACS
Illust Dst 2	-4.77%	7.73%	46.44%	38.58%	4.43%	50.75%
Alt 1 Dst 2	-4.16%	8.15%	45.20%	39.58%	4.47%	52.16%
Alt 2 Dst 2	-4.39%	8.47%	45.14%	39.55%	4.09%	52.11%
Illust Mod Dst 2	0.61%	7.97%	46.22%	38.52%	4.39%	50.93%
Alt 1 Mod Dst 2	0.11%	8.05%	45.81%	38.94%	4.41%	51.37%
Alt 2 Mod Dst 2	1.61%	8.87%	45.91%	38.60%	3.91%	51.38%

Note: 14-18 ACS is 2014-2018 5-Year ACS. Total Hispanic (HCVAP), Black (BCVAP), and Asian (ACVAP) may not sum to HBACVAP% due to summing totals prior to disaggregation

Source: U.S. Census Bureau 2014-2018 5-Yr ACS Block Group data, Maptitude for Redistricting Illustrative Plans

³ Alternative Plan 2 continues to consist of only Block Groups for District 1 and 2 and thus CVAP calculations for these districts do not require disaggregation and aggregation of ACS data.

When Black and White (mixed race) CVAP data is considered, the HBACVAP percentages for the modified District 2 in the Illustrative, Alternative 1, and Alternative 2 Plans are 52.02%, 52.47%, and 52.45% respectively.

Since newly-updated CVAP estimates for 2014-2018 were released in January 2020, I also analyzed District 1 statistics with this data. Reviewing the 2014-2018 5-Year ACS HBACVAP percentage for District 1, HBACVAP percentages for District 1 (which was not modified) for the Illustrative, Alternative 1, and Alternative 2 Plans are 51.77%, 53.07%, and 52.72% respectively. Table 3 displays the Citizen Voting Age Population results for District 1 in both the original and modified Plans.

Table 3 – District 1 Illustrative, Alt 1, Alt 2 & Mod. Plans – Maj Race/Ethnicity						
District	% Dev	% HCVAP 14-18 ACS	% WCVAP 14-18 ACS	% BCVAP 14-18 ACS	% ACVAP 14-18 ACS	% HBACVAP 14-18 ACS
Illust Dst 1 Both	-.36%	7.49%	44.02%	31.57%	12.67%	51.77%
Alt 1 Dst 1 Both	-4.77%	7.67%	42.66%	32.55%	12.89%	53.07%
Alt 2 Dst 1 Both	-4.84%	7.36%	43.10%	32.48%	12.89%	52.72%

Note: 14-18 ACS is 2014-2018 5-Year ACS. Total Hispanic (HCVAP), Black (BCVAP), and Asian (ACVAP) may not sum to HBACVAP% due to summing totals prior to disaggregation

Source: U.S. Census Bureau 2014-2018 5-Yr ACS Block Group data, Mapititude for Redistricting Illustrative Plans

When Black and White (mixed race) CVAP data is included in the HBACVAP percentage, the HBACVAP percentages for the modified District 1 in the Illustrative, Alternative 1, and Alternative 2 Plans are 52.91%, 54.31%, and 52.94%, respectively.

It is also noteworthy that all three modified Plans showed an increase in HBACVAP percentage from the 2013-2017 to 2014-2018 ACS datasets. Finally, all of the modified Plans for Districts 1 and District 2 remain above the 50% threshold whether the 2013-2017 or 2014-2018 ACS data is used. The modified Illustrative, Alternative 1, and Alternative 2 Plan's HBACVAP percentages using the 2013-2017 5-Year ACS for District 1 were 50.03%, 51.50%, and 51.04%, respectively, and 50.24%, 50.87%, and 50.71%, respectively for District 2.

ii. Compactness Measures

Compactness scores for the modified version of District 2, using the Reock, Polsby-Popper, and Convex Hull measures, also did not change significantly when compared to the original Illustrative, Alternative 1, and Alternative 2 Plans (see Table 4).

Table 4 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans Compactness Measurements			
District	Reock	Polsby-Popper	Convex Hull
Illust Dst 2	0.24	0.20	0.58
Alt 1 Dst 2	0.20	0.16	0.54
Alt 2 Dst 2	0.20	0.15	0.49
Illust Mod Dst 2	0.21	0.16	0.53
Alt 1 Mod Dst 2	0.21	0.15	0.51
Alt 2 Mod Dst 2	0.20	0.14	0.47

Source: Maptitude for Redistricting Compactness reports for Modified Illustrative, Alt 1, and Alt 2 Plans.

iii. Political Subdivision Splits

Once again, the political subdivision splits of District 2 in the Illustrative, Alternative 1, and Alternative 2 Plans⁴ were also not significantly altered after modifying the Plans (see Table 5). The total political subdivision splits remained less for the modified Illustrative, Alternative 1, and Alternative 2 Plans (at 15, 23, and 23 splits respectively, full reports in Appendix B) than the current residency plan, which contains 28 splits (full report on pages 78-79 in the Appendix to my July 15, 2019 Report).

Table 5 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans Split VTDs	
Plan	District 2
Illust Dst 2	5
Alt 1 Dst 2	7
Alt 2 Dst 2	10
Illust Mod Dst 2	7
Alt 1 Mod Dst 2	8
Alt 2 Mod Dst 2	10

Source: Maptitude for Redistricting Political Subdivision Splits report for the Illustrative Plans.

The following figures display the locations of Latasha Holloway's new and old addresses (which have not been changed in any maps) and Georgia Allen's residence in the modified Illustrative and Alternative Plans.

⁴ Political subdivision splits in this context refer to Voting Tabulation Districts (VTDs).

Figures 3 and 4 show the Modified Illustrative Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.

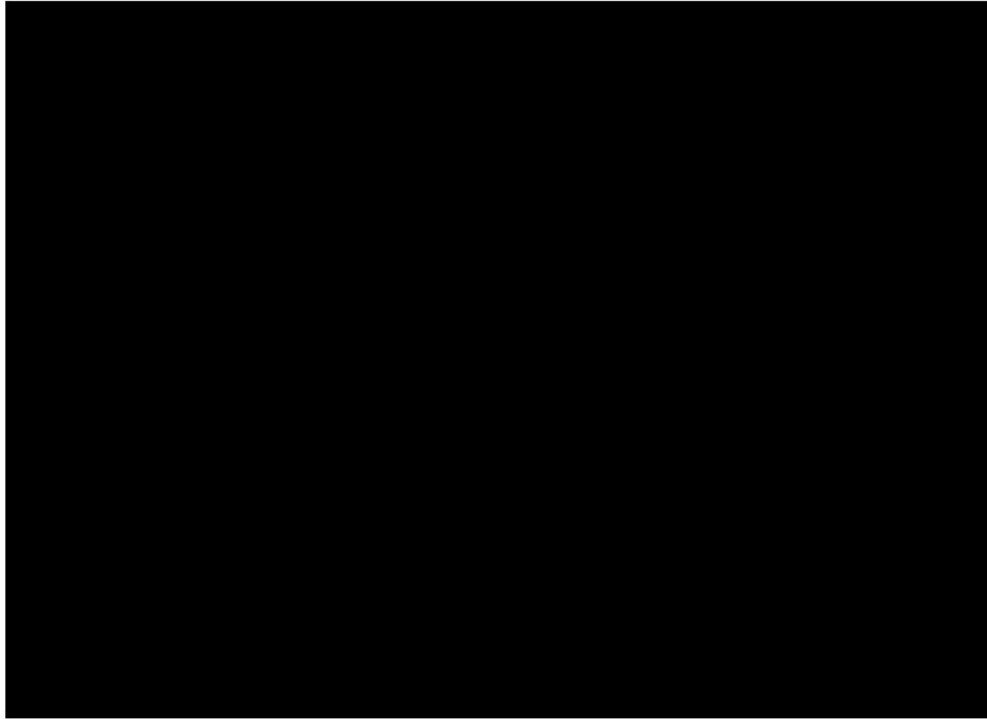


Figure 3 – Virginia Beach Illustrative Plan Modification with Plaintiffs' Addresses



Figure 4 – Virginia Beach Illustrative Plan Modification Zoom with Plaintiffs' Addresses

Figures 5 and 6 show the Modified Alternative 1 Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.

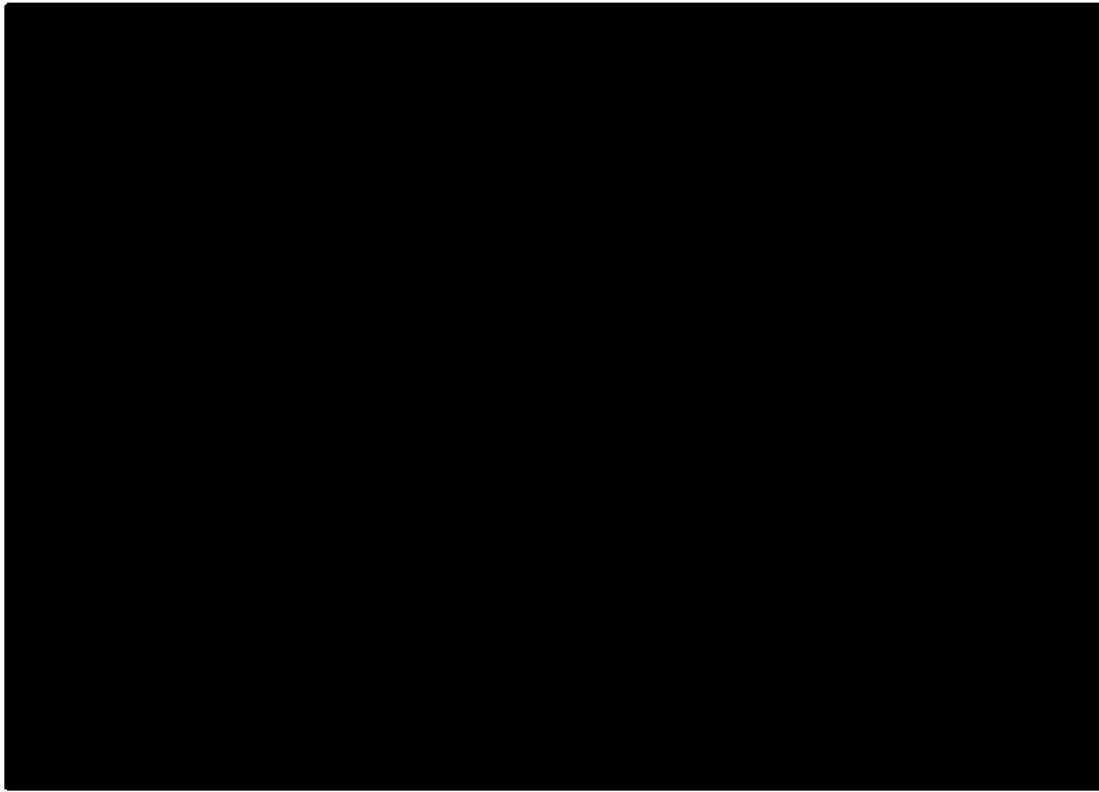


Figure 5 – Virginia Beach Illustrative Alt 1 Plan Modification with Plaintiffs' Addresses

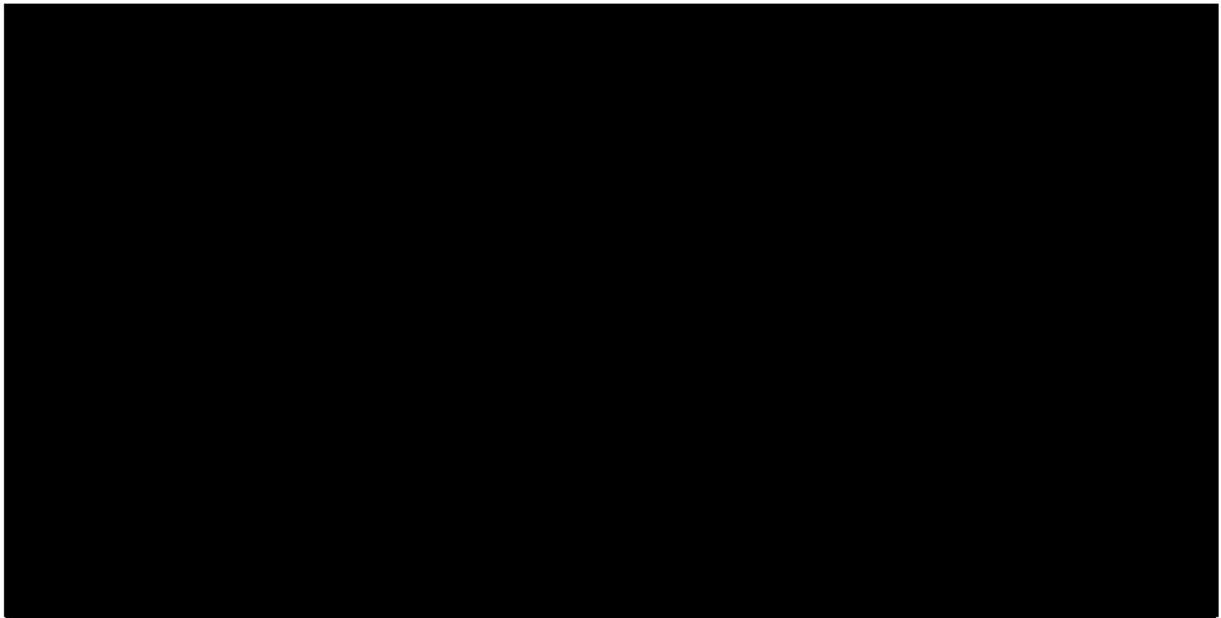


Figure 6 – Virginia Beach Illustrative Alt 1 Plan Modification Zoom with Plaintiffs' Addresses

Figures 7 and 8 show the Modified Alternative 2 Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.



Figure 7 – Virginia Beach Illustrative Alt 2 Plan Modification with Plaintiffs' Addresses

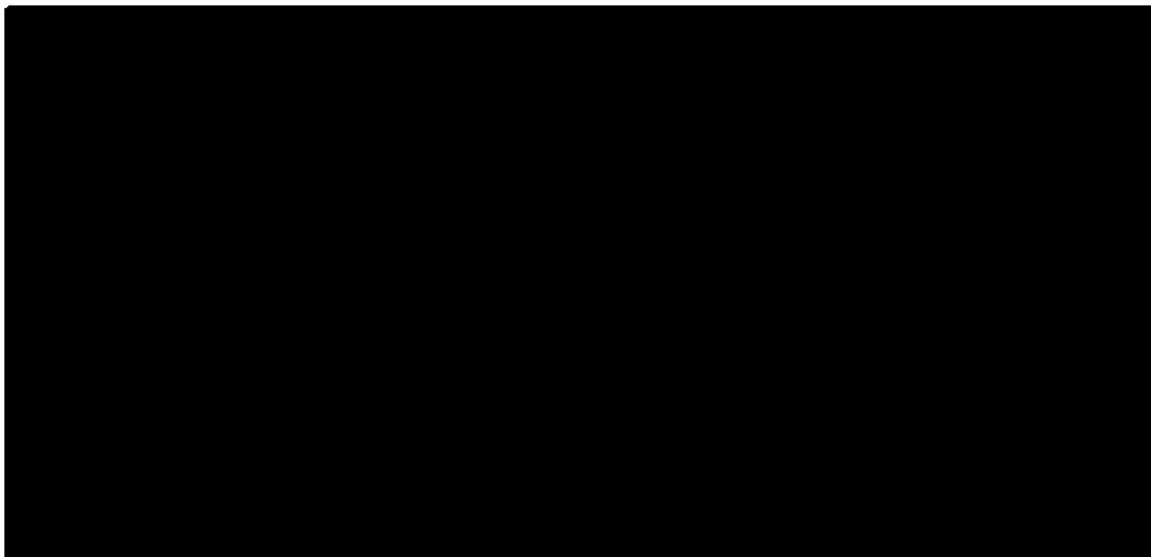


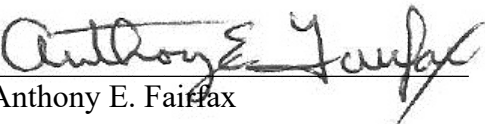
Figure 8 – Virginia Beach Illustrative Alt 2 Plan Modification Zoom with Plaintiffs' Addresses

VII. Conclusions

Plaintiff Latasha Holloway's new and old addresses have always been in one of the majority-HBACVAP districts in the original Illustrative Plan and the five (5) Alternative Plans. Plaintiff Georgia Allen's address was not contained within any of the original demonstrative plans, but at least three of the plans can be easily modified to include both Ms. Allen and Ms. Holloway in majority-HBACVAP District 2, as demonstrated in this report.

After modifying the Illustrative, Alternative 1, and Alternative 2 Plans, it is clear that both Latasha Holloway's new and old addresses, as well as Georgia Allen's address, can be included within District 2 of the analyzed plans. In addition, after the plan modifications, the redistricting criteria of equal population, compactness, and political subdivision splits were reasonable and did not change significantly from the original plans. Finally, the HBACVAP percentages for each modification of District 2 are still above 50% HBACVAP, whether including or excluding Black and White (mixed race) CVAP. Therefore, I conclude that at least one majority-HBACVAP district can be easily drawn that contains both Plaintiffs' residences, and in fact all three modified Plans continue to include two majority-HBACVAP districts for the City of Virginia Beach.

I, Anthony E. Fairfax, am over the age of 18 and fully competent to make this declaration. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.


Anthony E. Fairfax

Date: 3/16/2020